

Election/Restrictions

1. In compliance with the Petition decision dated 12/17/2009, the response and amendment of June 22, 2009 have been entered and fully considered by the examiner and **the restriction requirement in the Office Action dated 04/16/2009 is hereby withdrawn.** Claims 11-16, 21 and 25 are no longer withdrawn from consideration.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: None of the prior art is found to teach or sufficiently suggest a process for forming a film by

- a. forming an aqueous core/shell polymer emulsion by
 - i. polymerizing core monomers in at least one first stage,
 - ii. polymerizing monomers in at least one further second transition stage in the presence of the product of the first stage polymerization, and

iii. finally polymerizing shell monomers in a third stage in the presence of the product of the second transition stage polymerization to form a filmable shell;
wherein, based on the percentage constitution of the monomer mixtures of the three stages, at most 30% by weight of the monomers of the first stage are identical with those of the third stage, and at least 5% by weight of the monomers of the second stage are identical with, respectively, those of the first and those of the third stage, and not more than 60% by weight of the monomers of the second stage are monomers absent in the first stage and also absent in the third stage; and
wherein the shells form the matrix and the cores form the discrete polymer particles;

b. applying the aqueous core/shell polymer emulsion, and removing water, thereby forming a polymeric film;

wherein said polymeric film comprises a matrix and discrete polymer particles distributed in the matrix, and the polymeric film produces a visual effect upon reflection of electromagnetic radiation.

Thus, claims 1-18 and 20-32 to the film forming process, the film produced from the process, the process of coating with the polymeric film produced from the film forming process and the coated article from coating with the polymeric film from the process of the present claims, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dr. Kelechi C. Egwim/
Primary Examiner, Art Unit 1796

KCE